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August 27, 2015

Hon. Carol Bagley Amon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201Re: Landau, et al. v. Rheinold, et al., No. 15 Civ. 4811 (CBA) (VMS)

Dear Judge Amon:

We write on behalf of Petitioners in the above-referenced action. Petitioners respectfully request that this Court issue an order under the Federal Arbitration Act (“FAA”), 9 U.S.C. § 9, and Federal Rule of Civil Procedure 4(c)(3), directing the U.S. Marshals Service to serve the Respondents listed in Exhibits A, B, and C to this letter with Petitioners’ Notice of Petition to Confirm Arbitration Award (“Notice”) and Petition to Confirm Arbitration Award, including Appendices A-I (“Petition”) (Doc. No. 1). The basis for this application and requested relief is set forth below.

On or about June 29, 2005, Petitioners and Respondents agreed to arbitrate various disputes between them. On or about August 21, 2014, an award was issued in Brooklyn, New York, in connection with the arbitration. Petitioners petitioned this Court on August 17, 2015, to confirm the award and enter judgment thereon. Petitioners have served the Notice and Petition by regular mail on the nearly 600 Respondents who reside or that are located within the Eastern District of New York, in accordance with the FAA’s requirements for service. Petitioners now request this Court’s assistance in complying with the FAA’s requirements for service of the Notice and Petition on the remaining Respondents who reside outside of the Eastern District of New York.

The FAA provides that when an adverse party is a nonresident “of the district within which the award was made,” the notice and petition to confirm the award “shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.” 9 U.S.C. § 9. The Second Circuit has read “in like manner as other process of the court” in 9 U.S.C. § 9 to incorporate Federal Rule of Civil Procedure 4, *see Reed & Martin, Inc. v. Westinghouse Elec. Corp.*, 439 F.2d 1268, 1277 (2d Cir. 1971), and under Rule 4, “[a]t

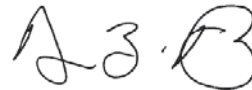
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the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court," Fed. R. Civ. P. 4(c)(3). Here, the arbitration award was made in the Eastern District of New York, and the Respondents listed in Exhibits A, B, and C are residents of one of three other federal districts: the Southern District of New York, the District of New Jersey, or the District of Maryland. Under 9 U.S.C. § 9, those Respondents must be served by the marshals in the Respondents' respective districts.

To comply with the FAA, counsel for Petitioners contacted the offices of the U.S. Marshals Service in the foregoing districts regarding service of the Notice and Petition. The U.S. Marshals Service in each of these districts informed counsel that a U.S. marshal could serve the Notice and Petition only if the U.S. Marshals Service received a court order requiring such service. The U.S. Marshals Service in each of these districts also informed counsel that such order should be issued in the Eastern District of New York, where this action was filed, then sent to the U.S. Marshals Service for the Eastern District of New York, before being transferred to the appropriate U.S. Marshals Service offices in the other districts for service.

Accordingly, Petitioners respectfully request that this Court issue an order under 9 U.S.C. § 9 and Fed. R. Civ. P. 4(c)(3) requiring the U.S. Marshals Service to effect service of the Notice and Petition on the Respondents in Exhibits A, B, and C. A proposed order is enclosed with this letter.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Z. Pinsky', written in a cursive style.

David Z. Pinsky

Enclosures